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FEDERAL COMMUNICATIONS COMMISSION

In Re Applications of:

JAMES A. KAY, JR.

Licensee of one hundred
sixty-four Pat 90 licenses
in the Los Angeles, California
area.

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) WT DOCKET No.: 94-147
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DOCKET FILE COPY ORIGINAL

Volume: 3

Pages: 107 through 187

Place: Washington, D.C.

Date: January 31, 1996

HERITAGE REPORTING CORPORATION

Official Reporters
1220 L Street, NW, Suite 600
Washington, D.C.
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Courtroom 4, Room 217
FCC Building
2000 L Street, N.W.
Washington, D.C.

Wednesday,
January 31, 1996

The above-entitled matter came on for hearing,
pursuant to the notice of the Judge, at 10:03 a.m.

BEFORE: HON. RICHARD L. SIPPEL
Administrative Law Judge

APPEARANCES:

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I N D E X

<u>WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
None					

E X H I B I T S

	<u>IDENTIFIED</u>	<u>RECEIVED</u>	<u>REJECTED</u>
None			

Hearing Began:	10:03 a.m.	Hearing Ended:	11:51 a.m.
Recess Began:	11:49 a.m.	Recess Ended:	11:50 a.m.

P R O C E E D I N G S

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JUDGE SIPPEL: This is a pre-hearing conference which I have called in the matter of James A. Kay and the 164 licenses that he holds in the SMR Services.

I've got some questions that I want answered. I'm certain I've read your papers more than one time. Some of them raise some questions with me, but I've framed my most serious concern in the order setting up this conference this morning.

Let me start by asking some questions to the Bureau counsel. And if counsel for Mr. Kay has a problem with the response, you can indicate it very briefly, but I don't want to get into too much of an exchange if we can avoid that.

MR. FRIEDMAN: Your Honor, just a preliminary matter.

Based on your order, to help you with the matter, we drafted a bench memo to hopefully respond to what you raised up. We've given copies to Messrs. Hollingsworth and Schonman. If we knew there would be such a crowd, we would have brought more copies.

JUDGE SIPPEL: All right. Well, I'm not going to stop to read it. I appreciate this. This is in connection with what?

MR. FRIEDMAN: With your order for this hearing,

1 you raised a question there. We're trying to respond to it.

2 JUDGE SIPPEL: Okay. Now, getting back to my
3 questions. There have been 164 licenses that are issued to
4 Mr. Kay. And there are one or more users with respect to
5 each of those stations.

6 Is that correct?

7 MR. SCHONMAN: That's correct.

8 JUDGE SIPPEL: All right.

9 And what you're trying to -- there are provisions
10 under the rules in the Act whereby somebody in Mr. Kay's
11 situation, if he's not using stations such as these up to
12 their capacity, he could tend to lose them over a period of
13 time.

14 MR. SCHONMAN: Yes, Your Honor. If you don't
15 mind, could we note our appearances, and then I could
16 introduce people who may be more qualified than myself to
17 answer your questions on behalf of the Wireless
18 Telecommunications Bureau?

19 JUDGE SIPPEL: Well, surely. I didn't mean to
20 overlook that, but I did indicate before the record, I asked
21 the Reporter off the record if he had the appearances of all
22 counsel. But certainly. You may proceed in that fashion,
23 Mr. Schonman.

24 MR. SCHONMAN: Your Honor, my name is Gary
25 Schonman and with me, to my right, is William Kellett,

1 followed by Riley Hollingsworth, Anne Marie Wypijewski, and
2 also Terry Fishel. And Mr. Fishel, I might add, is the
3 Bureau's Chief of Land Mobile Operations in Gettysburg,
4 Pennsylvania, and that branch administers the Commission's
5 rules on matters relating to loading end users and the
6 commercial operation of private land mobile facilities, the
7 facilities in Part 90 service.

8 Mr. Fishel is making himself available to assist
9 us in answering any questions you might have.

10 I'd also like to note that assisting us is John
11 Fralish, who provides litigation support for the Wireless
12 Bureau. And also with us this morning are Joel Cheskis and
13 Albert Griffith. They are interns with the Wireless
14 Telecommunications Bureau, and also law students at the
15 Dickinson School of Law in Carlisle, Pennsylvania.

16 Having said all that, we will certainly entertain
17 your questions, but I would like to note for the record with
18 respect to Mr. Friedman's bench memorandum that he just
19 handed you, that we at the Bureau are seeing this for the
20 very first time and have not had an opportunity to look at
21 it at all. I have no idea what's inside this thick package
22 here.

23 And since you called for oral arguments rather
24 than written memorandum, I would move to strike this.

25 JUDGE SIPPEL: Well, I'm not going to get into it

1 at this time. I'm really not going to get distracted by
2 something other than what I want to get accomplished here
3 today.

4 I'll take your motion under advisement.

5 I certainly want to welcome the law school
6 interns. And I very much appreciate your bringing all of
7 this assistance to this issue today. I understand that
8 people do have to come from out of town to accommodate this.
9 And Gettysburg isn't all that far, but anyway, it's very
10 much appreciated on my part. Because although the basic
11 issue here, the underlying issue here, is basically a
12 question of whether or not there's been a compliant for
13 requests -- and/or requests for information, the
14 Commission's policy and what's behind this information that
15 you're seeking I think is critical in terms of addressing a
16 motion for summary decision here. Mr. Kay does stand to
17 lose 164 licenses in this.

18 MR. SCHONMAN: Your Honor, that's why we brought
19 an armada of people here because we want the record to be
20 absolutely full and complete.

21 JUDGE SIPPEL: Well, I appreciate that.

22 Mr. Friedman, did you want to make any preliminary
23 statements yourself other than your memo?

24 MR. FRIEDMAN: No. Just enter my appearance, and
25 Mr. Fenske as the only two parties here for Mr. Kay. He

1 resides in California, which is a lot farther than
2 Gettysburg.

3 JUDGE SIPPEL: All right. I hear you.

4 Mr. Fenske, good morning.

5 MR. FENSKE: Good morning, Your Honor.

6 JUDGE SIPPEL: Let me -- again, please bear with
7 me, because I'm trying to be sure that I have this clear in
8 my own mind.

9 As I was saying, there are 164 licenses for which
10 there are one or more users at various times during the
11 license period.

12 Is that essentially correct?

13 MR. KELLETT: The user may -- each of these is
14 subject to a loading requirement. With the license there is
15 a pair of frequencies that's a channel. Kay holds licenses
16 in essentially three areas. The 470 to 512 band, a
17 conventional 800 megahertz and trunk 800 megahertz licenses.
18 470 to 512 licenses and conventional -- SMR conventional 800
19 megahertz licenses, each are individual channel licenses.
20 It's a frequency pair that allows the mobile transmitter to
21 transmit to a repeater, usually mounted at a high location
22 in the Los Angeles area. It's usually on one of the
23 mountains surrounding Los Angeles. It goes through the
24 repeater and back out to another mobile.

25 Your Honor is probably familiar with the CB, where

1 your CB talks to somebody else down the road. This is
2 similar except it goes to ranges much greater. The range
3 will be 35 miles, maybe a 50-mile radius of the mountaintop
4 repeater. Anybody operating in that area can talk to each
5 other.

6 They are also frequently interconnected to the
7 phone system. Your mobile transmitter and your construction
8 truck, you can dial up the lumber yard. It goes through the
9 repeater into the phone lines at the repeater. And that's
10 the kind of business Mr. Kay is in.

11 The third type is a trunked 800 megahertz, and
12 this is a more sophisticated system where you put a bunch of
13 these channels together, and when you key up, this tone goes
14 out to the repeater and the repeater sends back a signal
15 telling it what channel to use to communicate. And what
16 happens is that often on a single channel, you pick up your
17 monitor and it may be busy. Somebody may be on the channel.

18 And so with the 470 to 512 and with the
19 conventional 800 megahertz, you are required to share the
20 channel if you're not loaded to the capacity stated in the
21 rule. And the rules are all designated in 10(c) of the show
22 cause order.

23 JUDGE SIPPEL: Is that -- let me just interrupt a
24 minute. Is that the required usage only with respect to
25 those stations which are subject to the trunking? Is that--

1 MR. KELLETT: No. The required usages before you
2 share -- is 470 to 512 and 800 megahertz. With trunking,
3 you have to have exclusive use, because you can't be
4 sharing -- you are not monitoring. You are asking the
5 repeater to find you an available channel, so you have to
6 have exclusive use of all the channels to be able to trunk
7 it. And at pertinent times you've lost frequencies if your
8 trunk system was not fully loaded. That's no longer the
9 case. That's changed since this was designated.

10 JUDGE SIPPEL: All right, all right.

11 Okay. So what is at stake here? Based on the --
12 if you had the information that you wanted, which you've
13 been trying to get, you would be able to determine -- you
14 feel you would be able to determine as to each of these 164
15 licenses, whether or not they were being adequately -- were
16 and are being adequately used.

17 MR. KELLETT: Right.

18 JUDGE SIPPEL: And without that information, you
19 can't make that determination.

20 MR. KELLETT: Right. In a particular location,
21 say Kay has four or five licenses in a particular area. If
22 they're conventional 800 megahertz or 470 to 512, if he
23 isn't loaded to the 70 mobile units or whatever it is in the
24 rules applicable to those stations -- for a conventional 800
25 megahertz, it's generally 70 mobile units. 470 to 512 in

1 Section 90.313, it lists different numbers.

2 Let me double check this. Terry Fishel is our
3 engineering expert on loading rules, so I'm double checking
4 my rules sections for you.

5 What happens is Your Honor's question went to "do
6 they have one or more users?" One user may be J&B
7 Construction Company, but they may have 50 trucks, okay. So
8 the mobile units and users -- sometimes the user name is
9 just one name and it has multiple units. And you'll see in
10 Mr. Kay's answer to interrogatories he does that. He tells
11 you how many units each user is operating.

12 JUDGE SIPPEL: All right. Well, let me follow
13 that with this then. And, by the way, I mean I know
14 these -- I don't have near the familiarity that you have
15 with the numbers that you're referring to in the 90 Reg
16 series, or certainly not that Mr. Fishel would have, but I
17 have read those regulations very carefully, as best I can,
18 in light of the allegations, and so I'm following everything
19 that's being said here.

20 We have terms such as the user of the channels.
21 All right. And you've explained what that means. It's a
22 trucking company. It might be 50 actually.

23 MR. KELLETT: Right.

24 JUDGE SIPPEL: And then there's the term
25 "customer" that's used in some of these exchanges.

1 This would be the same thing as the user?

2 MR. KELLETT: Right.

3 JUDGE SIPPEL: And then there's the loading, the
4 concept of loading.

5 MR. KELLETT: Let me correct myself. On "users"
6 Kay has made a distinction among users. Customers are
7 people who pay for the channel and he has indicated that he
8 has not supplied us with other users, those who do not pay
9 because he has only supplied us from his billing records.
10 So he may have users that we don't know about who are
11 operating demo units, who are people that he's allowing to
12 operate on there for free, salespeople for his radio sales
13 company or something. It's not clear that there isn't a
14 category of users. Customers would be users but there may
15 be a category of people, non-paying people, that's at issue
16 today too.

17 JUDGE SIPPEL: Okay. Thank you. I remember --
18 and I believe that's covered also in Mr. Kay's affidavit.

19 MR. FRIEDMAN: That's correct, Your Honor.

20 JUDGE SIPPEL: This concept anyway. All right.

21 So then loading information, I take it, it's a
22 word of art, as I'm seeing it being used in these papers in
23 this case. So that when you're looking for loading
24 information, you have something very much -- very defined in
25 mind when you use that term.

1 Mr. Fishel is nodding.

2 MR. FISHEL: Yes, that's correct.

3 JUDGE SIPPEL: Maybe you could tell me -- when you
4 say you want loading information from Mr. Kay's licenses,
5 what is it that you really want to get at?

6 MR. FISHEL: The Private Radio Bureau, which is
7 down at the Wireless Telecommunications Bureau, has always
8 used the number of units as an indicator that the use of the
9 spectrum, for lack of what the other services might have
10 used, such as loading studies and so forth. They've always
11 used the number of units using the facility as a basis for
12 determining whether or not someone was qualified to obtain
13 additional frequencies for that facility or additional
14 stations within that same market.

15 The purpose obviously was to ensure that the
16 spectrum was not being warehoused and adequately loaded
17 before such time as they would be given more, and also to
18 give other entrepreneurs the opportunity to come in and
19 acquire spectrum.

20 So, yes, loading has always been a definite thing
21 that we've used, and it's defined -- now, out of that,
22 obviously there have been some policies that have resulted,
23 but how loading would be applied to a particular facility
24 and so forth. We've always used loading without doubt as a
25 basis for determining the amount of use.

1 JUDGE SIPPEL: Well, I'm trying to get at
2 something even more basic for purposes of my understanding.
3 When you use "loading" in terms of the 164 licenses of Mr.
4 Kay, that encompasses the universe of all users with respect
5 to those licenses?

6 MR. FISHEL: That's correct, Your Honor.

7 JUDGE SIPPEL: All right. And that's what's
8 lacking? I mean that information rather is lacking at this
9 point?

10 MR. FISHEL: No.

11 MR. SCHONMAN: Your Honor, is your question
12 essentially "what is loading and how does that impact on the
13 issues?"

14 JUDGE SIPPEL: Well, I thought my question was
15 pretty straightforward. The term "loading" is used in some
16 of the correspondence and the pleadings in the case, and I
17 want to be sure that I have a focus on how it's being used.

18 MR. KELLETT: Okay. I think I can address that,
19 Your Honor.

20 What's up is that we asked Kay what systems --
21 what end users are operating on which stations by call sign.
22 The call sign, as I explained, for 470 to 512 and for
23 conventional SMR stations are single frequency for single
24 channel, which is a pair of frequencies, and for 800
25 megahertz there can be multiple frequencies. It's at least

1 two, it can be 20. Can be even more than that. But usually
2 between two and 20. And the computer is picking your
3 available channel.

4 We asked him who is operating on what channel. In
5 many instances, what he gave us is who is operating on what
6 mountaintop with various stations at the top. You know,
7 some four or three, whatever stations at the top. So we
8 can't discern who's operating on what station.

9 And what he said -- and for loading, we need to
10 know -- "It's these people are operating on any or all of
11 the above stations. I don't keep a record of what station
12 they operate on."

13 Similarly, the billing records he gave us don't
14 tell us whatever, and what he's told us in his briefs is, "I
15 don't know what station they're operating on. I don't keep
16 a record of that. I only keep a record that says "these
17 people all operate out of Mount Lukins" and I bill them for
18 service off of Mount Lukins."

19 And this is the first time we've ever come across
20 anybody who told us they couldn't tell us what station their
21 end users are operating on. And we've been -- Mr. Fishel's
22 been administering this since the earlier '70s.

23 JUDGE SIPPEL: All right. This might get more
24 refined as we go down the road. But I think for the time
25 being this gives me a much better understanding in terms of

1 the exchange that's going back and forth. As I say, I've
2 generally been approaching this case with this concept in
3 mind. It's just getting it a little bit more refined.

4 Now -- go ahead. Did you want to add anything to
5 this?

6 MR. KELLETT: To start this case, we've brought
7 Terry Fishel down to D.C. to meet with Gary Schonman for
8 almost precisely this same conversation.

9 JUDGE SIPPEL: All right. Well, obviously -- I
10 mean the standards that I have to address with respect to
11 motion for summary decision goes down to an understanding of
12 the significance of this information. And I look at the
13 significance of this information with respect to each of the
14 charges that the Commission has alleged in the order.

15 MR. KELLETT: Uh-huh.

16 JUDGE SIPPEL: The one with respect to the failure
17 to produce the information is relatively straightforward,
18 although this further explanation informs me more in terms
19 of what the significance of the information is in a more
20 narrow focus. But still this is basically how I view this
21 information when we were talking about Section 308.

22 But my question, as you can tell from the order,
23 goes beyond that to the other issues in the case. And that
24 is the Commission had anticipated when they issued the order
25 that we would be litigating each of these issues. And, you

1 know, now the Bureau comes in and says that, well, we don't
2 think we have to go to those other issues. We'll just go
3 with this one.

4 And the question that raises to my mind, well, do
5 you have evidence or do you have reasonably ascertainable
6 evidence with respect to any of these other issues? For
7 example, there's an allegation that there was wrongful
8 interference.

9 Why don't we start with that one? Or if you want
10 to start at a different place, wherever you are comfortable.

11 MR. SCHONMAN: Well, Your Honor, your question
12 raises an important issue. Having not tried the case yet,
13 certainly the record is incomplete with respect to the other
14 issues, some of the other issues, in the case. The non-
15 loading, the non-308(b) issues.

16 It's the Bureau's position that there are two
17 independent grounds before you now on which you can
18 terminate this case once and for all, such that you do not
19 need to look at all those other issues. We think that the
20 308(b) issue is fully ripe for resolution at this time by
21 summary decision, and that the Bureau has met its burdens on
22 that issue.

23 We think that the 308(b) issue is a dispositive
24 issue. It goes to Mr. Kay's basic qualifications to carry
25 out fundamental requirements of this agency. Since it is a

1 dispositive issue, Section 1.251(e) of the rules, the
2 summary decision rule, says that if Your Honor decides by
3 summary decision a dispositive issue, there will be no
4 hearing.

5 And in creating that rule, Section 1.251(e), the
6 Commission contemplated that there would be no resolution of
7 the other issues. And the reason for that was really quite
8 plain. If you have an individual or a company, the licensee
9 in this instance, who has been found to be basically
10 unqualified, it would be a total waste of Commission
11 resources to hold a hearing on the other issues. It would
12 be futile. The man is already unqualified by virtue of the
13 summary decision of a dispositive issue.

14 That's the first basis for terminating this case.

15 The second independent basis for terminating this
16 case is based on the Faith Center rationale. And that is
17 that we're faced with a situation where an individual is
18 withholding, refusing or has failed to provide relevant
19 information during discovery. That information is critical
20 to resolving at least two of the issues; that is, the
21 substantive compliance issues in this case, and although not
22 inextricably linked to the other three substantive issues,
23 the information there is certainly significant in resolving
24 those other issues.

25 And Faith Center, if it stands for anything, it's

1 that the Commission will not tolerate abuses of its
2 discovery processes.

3 Your Honor cited the Warren Percival case in one
4 of your orders. So you are aware that that case stands for
5 the proposition that if a licensee withholds information
6 that is crucial to the Commission, such that the Commission
7 cannot carry out its compliance functions, then the case
8 should be -- then the licenses should be revoked.

9 So that is a second entirely independent basis for
10 resolving this case.

11 Now apparently Mr. Kay has the opinion that if he
12 doesn't turn over the information to the Bureau he's going
13 to win this case because the Bureau can't meet its burdens.

14 MR. FRIEDMAN: Your Honor, I would like to move to
15 strike that. How does he know what Mr. Kay's opinion is?
16 It's an insinuation here. He hasn't brought anything.

17 MR. SCHONMAN: I'll rephrase it.

18 JUDGE SIPPEL: All right. Go ahead.

19 MR. SCHONMAN: There may be an opinion in this
20 case that if the information is withheld, that the Bureau
21 can't win this case because we can't meet our burdens. And
22 I would submit very firmly that that is an erroneous
23 assumption. It is true that the Bureau bears the burdens in
24 this case. However, if a party refuses or fails to turn
25 over relevant information, in this case, critical

1 information, such that it frustrates the Bureau in meeting
2 those burdens and we're trying to meet those burdens, then
3 that is an abuse of process and that is another reason why
4 this case should be terminated.

5 Because Mr. Kay has had ample opportunity. It was
6 two years ago today, January 31, 1994, that Mr.
7 Hollingsworth sent out that initial inquiry letter
8 requesting loading information from Mr. Kay. Two years, and
9 we still don't have the information.

10 The Commission said "enough is enough", after
11 several inquiry letters. The Commission designated this
12 case for hearing. And then the gamesmanship continued. The
13 information has still not been forthcoming. And I repeat,
14 it's critical information to resolving these issues.

15 Well, enough is enough. At some point the
16 Commission has to protect its processes. We've got a
17 licensee here who refuses to play by the rules, and he has
18 had ample opportunity to come forth with that information.
19 At some point the games have to stop, and at some point the
20 Commission has to protect its processes.

21 That is why after much consultation, we filed our
22 motion for summary decision, and we believe there are two
23 independent grounds for terminating this case right now.

24 JUDGE SIPPEL: Well, do you have anything more on
25 that? It's been very well said. I appreciate the

1 forcefulness with which the Bureau is advocating this
2 decision.

3 MR. SCHONMAN: Yes, Your Honor. I can certainly
4 add more.

5 If Your Honor would be so inclined on your own
6 motion, you have enough information at this point to resolve
7 the two loading-related issues in this case adverse to Mr.
8 Kay. That's the issues at paragraph 10(c) and 10(d).

9 Those are the issues that we have said absolutely
10 require the loading information from Mr. Kay. Because Your
11 Honor is in a position at this point to draw an inference
12 that Mr. Kay has failed or refused to turn over that
13 information, because if that information were turned over,
14 it would prove damning to Mr. Kay. And the law allows you
15 to draw that inference.

16 So if you were so inclined, on your own motion,
17 you could at this point in time resolve those two issues,
18 10(c) and 10(d), adverse to Mr. Kay. We haven't asked for
19 that because we think you have enough information right now
20 to terminate this case based on those two independent
21 grounds. But if you want to resolve those additional
22 issues, you certainly have the legal basis to do so.

23 JUDGE SIPPEL: Well, I hear you on that point.
24 But my questions I started out with really -- the
25 interference and -- well, let me take another issue too, the

1 abuse of the Commission's process by obtaining cancellation
2 of other licenses.

3 In looking at these issues, I can't determine in
4 my mind as to whether or not you need all of this other
5 evidence to go after those charges.

6 Do you know what I'm saying?

7 MR. KELLETT: Right. Yes, Your Honor.

8 When you are looking at interference complaints --

9 JUDGE SIPPEL: Right.

10 MR. KELLETT: -- knowing who is operating on what
11 systems helps you figure out which of Kay's systems are
12 interfering with what. However, there certainly is evidence
13 of interference that is unrelated to his loading
14 information. You know, we have instances of interference
15 that we can't trace without additional information.

16 JUDGE SIPPEL: Yes. That's what I was getting at.

17 MR. KELLETT: Right.

18 JUDGE SIPPEL: I mean you would -- and the
19 discovery, the additional discovery, with respect to those
20 issues, it would seem to me would be not all that extensive.
21 You would have to obviously go out and talk to people about
22 this.

23 MR. KELLETT: Right. And that is meeting
24 essentially with the people that Mr. Friedman wants to
25 notice for depositions.

1 JUDGE SIPPEL: All right.

2 MR. KELLETT: The people we think have relevant
3 information, we have spoken to. We have revealed to them in
4 our answers to interrogatories. When our engineers have
5 facts regarding what Mr. Kay has done, that's been in our
6 answers to interrogatories. So in terms of proving those
7 things, we have other complaints that would be nice to
8 investigate if we had a clear understanding of who is
9 operating on which of Kay's systems, that would be easier.

10 But by no means can we say that those other issues
11 couldn't -- we couldn't go forward with it.

12 MR. HOLLINGSWORTH: I would like to clarify that
13 with two examples.

14 JUDGE SIPPEL: Mr. Hollingsworth.

15 MR. HOLLINGSWORTH: Yes. On each one of them.

16 Regarding the interference, what we say is true.
17 It's not so that we can't go forward, but it's an incredible
18 burden to go forward without this loading information
19 because taking one at a time -- interference. We've had
20 allegations that there's a tone placed on competitors'
21 systems to prevent that competitor's users from operating
22 properly. And this is just an allegation. We are not here
23 to prove anything this morning, but the allegation is that
24 if that's done long enough, that competitor's customers will
25 have to seek other service providers.

1 And that, in this case, a sales representative is
2 sent out within a few weeks of this tone being on here to
3 solicit this system.

4 Now, when we monitor -- when the field office
5 monitors this and locates a certain station, we can't just
6 assume that this station, if it was J&B Plumbing, I think as
7 somebody mentioned here this morning, we can't just assume,
8 well, that's J&B Plumbing, and it looks like they have four
9 mobiles, so maybe that's accidental.

10 JUDGE SIPPEL: I hope that's a fictional company.
11 Is it?

12 MR. HOLLINGSWORTH: It is.

13 JUDGE SIPPEL: All right.

14 MR. HOLLINGSWORTH: We need to know, is there a
15 J&B Plumbing? How many mobiles do they have? And how long
16 have they had them and where are they operating?

17 So without that, it makes our burden of resolving
18 that interference issue much more complicated. Because we
19 should be able to look at loading records and say, well,
20 here is a J&B Plumbing and there's four mobile units.

21 So if there's interference, maybe it's
22 unintentional or maybe it's accidental, but we can easily
23 find out by talking to J&B. In the records we have now, J&B
24 doesn't even know where they're operating, and in some
25 cases, they don't even know what frequencies they are put